92-1117

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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

FRANCES M. HALL, ET AL.

Petitioner,

v.

JOHN E. CONWAY, ET AL.

Respondents.

ON WRIT OF CERTIORARI TO THE

SUPREME COURT OF MASSACHUSETTS

* * * *

PETITION FOR WRIT OF CERTIORARI

* * * *

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64 pp

THE QUESTIONS PRESENTED FOR REVIEW:

I. Is Petitioner Hall entitled to absolute immunity because those statements that the Respondents complain about in this case are affidavits written in Camoscio vs. Conway ?

II. Did the court err by not granting summary judgment since Hall proved that it was the Respondents who circulated the statements that allegedly interfered with the sale of the property to the Mendoncas, but according to affidavits it was Douglas Purdy, Conways' employee, who circulated these statements, not the Petitioners as alleged in the complaint and because the Respondents could not cite one false statement made by the Petitioner, thus violating Massachusetts General Laws chapter 231 § 91 ?

III. Did the court violate Petitioner Hall's right of due process by denying her the right to be heard in a meaningful manner because Judge Mathers refused to postpone the trial because of Hall's physical condition nor did he make any arrangements making it physically possible for Hall to testify and participate in her own defense, even if she had testified, her rights of due process would have been violated because she was on class II and class III narcotics, and also the judge refused to enforce key subpoenas of Patricia Conway who was the accuser and the Mendoncas whom the Respondents claimed withdrew their offer to buy property because of statements the Respondents alleged were circulated by the Petitioners ?

IV. Does the court have the power

to enforce judgment if proofs exist that fraud was committed since Rule 9 of Civil Procedures of both the State and Federal Rules prevent the court from enforcing judgment when fraud has occurred.

PARTIES TO THE CASE

FRANCES M. HALL,

Petitioner,

FRANK J. CAMOSCIO,

Co-Defendant in Original Case.

vs.

JOHN E. CONWAY,

Respondent,

and PATRICIA A. CONWAY,

Respondent.

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OPINION BELOW

This case was tried before a jury who came down with their decision against the Petitioner and Co-Defendant for $42,500 on January 25, 1991.
See Appendix A beginning on page A1.

The Petitioner filed an appeal with the Appeals Court which was denied on January 31, 1992.
See Appendix B beginning on page B1.

The Petitioner filed for Further Appellate Review which was denied by the court on February 26, 1992.
See Appendix C beginning on page C1.

The Petitioner could not file a Writ of Certiorari in Washington until the Superior Court acted on Camoscio's Motion to Set Aside Judgment Due to Fraud. Judge Mather's was so embarrassed by the truth of this motion that he ordered it stricken from the record

and placed a gag order in place to prevent the truth from being known.
See Appendix D beginning on page D1.

Co-Defendant Camoscio then filed a similar motion with the Appeals Court which accepted all proofs and arguments but denied the motion on July 9, 1992.
See Appendix E beginning on page E1.

The Petitioner tried to file a Writ of Certiorari in Washington because the Rules of the Supreme Judicial Court of Massachusetts do not apply to Frank J. Camoscio a party to this case. The Court wrote an order in a past case baring Camoscio from filing with that court unless the Justices voted to accept filing. The Supreme Court of the United States returned the briefs and appendix stating that the highest Court of the State must rule first. On October 20, 1992 the justices voted not to accept Frank

J. Camoscio's filing for a Petition of Equity if granted would have set aside judgment.

JURISDICTION

The last judgment was entered by the Appeals Court of Massachusetts on July 9, 1992. The jurisdiction of this court is invoked under Rule 13 of the Rules of the Supreme Court and 28 U.S. C.A. § 1257.

The Supreme Judicial Court of Massachusetts voted not to review the Petitioners Petition for Equity on October 20, 1992.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment, Section 1 to the Constitution of the United States provides as follows:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws".

The petitioner also states that M.G.L. chapter 231 § 91 is the central issue in this case. This law is found in Appendix F, beginning on page F1.

The petitioner also cites Rule 9(b) and Rule 9(e) of the Massachusetts Rules of Civil Procedure as grounds to

set aside judgment found in Appendix F.

STATEMENT OF THE CASE

The Petitioner, Frances M. Hall was sued by the Respondents as a co-defendant with Frank J. Camoscio for contractural interference.

The Petitioner was not part of the original court case filed by Frank J. Camoscio against the Respondents. The Petitioner however wrote several affidavits outlining her sale of the property to Camoscio as part of her Probate Court action. The Petitioner was paid in full by Camoscio for her half of the property.
See Appendix G.

The Petitioner filed a Motion to Dismiss because the Respondent's were suing her solely on the affidavits that she had written for Camoscio. Under Massachusetts Law, Massachusetts General Laws chapter

231 § 91 the Respondents cannot collect for damages arising out of truthful statements. The Petitioner is also protected by immunity because these statements were made in a legal court document.

During these proceedings the Petitioner was denied the right of Discovery by Judge Prince. The Petitioner objected to this at a hearing.

The Petitioner was involved in a car accident going to a hearing at the Brockton Court House involving this case. Due to the severity of this accident the Petitioner was bed ridden for many months due to failed bone transplants and grafts.

The Petitioner hired an attorney, Americo Ferullo to represent her at the trial. The trial was scheduled in August of 1990 but this trial was postponed due to the judges inability to

address all the motions pending and the Respondent Patricia A. Conway to be present.

In January of 1991 the Court sent out notices for a Status Hearing. The Petitioner had Frank J. Camoscio deliver notice to the Court that Frances M. Hall was to ill to attend any trial for at least 60 days and asked the Court to not hold any trial until she was physically and mentally able to attend. Her attorney could not attend this hearing because of his alleged busy schedule.

Judge Steadman hearing the matter marked up this case for immediate trial.

Camoscio argued that he needed time to subpoena witnesses for the trial and the Court granted him only 6 days in which to prepare for trial and send subpoenas, and three of these days

was a national holiday weekend. The Court knew that the witnesses involved lived in several different counties making it nearly impossible to have them served on time.

The Petitioner's attorney filed a motion for an extension of time for 60 days because of his clients condition and her inability to testify. A doctor's letter was given to the Court stating that she could only be out of bed for a 2 hour period and was not allowed tc leave her home to travel. Please see Appendix "H" Dr. Michael A. Drew's letter to the Court.
The Petitioner lived over one hours drive away from the Court house in Brockton and was on Class 2 and Class 3 drugs which mentally impaired her ability to think and to remember. The Petitioner was a recent recipient of a bone graft operation which was the

reason for her confinement to complete bed rest.

At the first day of the trial on January 22, 1991 Petitioner Hall received a phone call at approximately 11:45 a.m. from attorney Ferullo that the jury had already been picked and that she was going to lose the case. He wanted to know if she wanted to work a deal to cut her losses, and the Conways withdraw her from the case.

The Petitioner told her attorney that she wanted to testify and tell the jury about all the wrong doings that had happened to her in Probate Court. She wanted to tell the jury about the fraud and the tampering of the mails by her ex-husband and how her ex-husband and her original lawyer in the divorce proceedings lived together after this lawyer was disbarred for bank embezzling.

Later, Petitioner Hall talked to Camoscio and learned that the jury had not been impaneled until after 2 p.m. on January 22, 1991. She also learned that attorney Ferullo wanted to withdraw from the case when he found out that Judge Lawton was a potential witness. Attorney Ferullo and Judge Lawton were friends and socialized together. After the first day of the trial, Petitioner Hall never heard from her attorney again until he sent her notification by a constable on January 31, 1991 about the loss of the case.

Petitioner Hall wanted to be a witness at this trial and informed her attorney because she knew that once any jury heard the truth, they would find in the Petitioners' favor. However, attorney Ferullo never contacted Frances Hall nor made any arrangements

which resulted in her not being able to testify.

Due to the irregularities of her attorney, Petitioner Hall was forced to appear before Judge Mathers in order to place on record her Motion for a New Trial, irregularities by her attorney and her Notice of Appeal if necessary.

Because she was forced to appear on her own behalf against her doctors wishes, the new bone that was forming washed away, prolonging her illness, making another bone graft necessary, and subjecting her to possible amputation of her right arm.

The Petitioner only learned after the trial from Camoscio that Judge Lawton a subpoenaed witness was a friend of attorney Ferullo. Judge Lawton never testified because after he received his subpoena he chose to have elective surgery. Judge Mathers excused

Judge Lawton from the case knowing that his testimony was vital to prove beyond any reasonable doubt that affidavits written by the Petitioner were true.

The Boston Municipal Court Decision came down. Justice Glynn found that attorney St. Pierre, attorney Flynn and Richard Hall had altered the purchase and sales agreement on the marital home to cheat Camoscio out of his one half of the property, as ordered by Judge Murphy in Probate Court. To make matters worse attorney Flynn and Richard Hall lied to Judge George Sullivan sitting in Plymouth Superior Court when the results of Boston Municipal Court case came down stating that the marital home had not been sold this matter took place in front of Judge George Sullivan on November 6, 1987. These crooks deliberately did not tell Justice Sullivan that they had

made a deal and sold the home on October 26, 1987 just one week before. Because Judge Sullivan was told that the marital home was not sold, Judge Sullivan then placed a Summons and Restraining Order on the Marital Home forbidding Richard Hall to sell property on November 13, 1987. Judge Sullivan ordered attorney Flynn, Richard Hall and Frank Camoscio to appear in Plymouth Superior Court. Again Judge Sullivan asked the status of the marital home, again attorney Flynn and Richard Hall stated that the marital home was not sold. Judge Sullivan then ordered and placed on record a Preliminary Injunction to be placed on property in both Probate Court and with the Registry of Deeds and ordered Camoscio and attorney Flynn to deliver to Judge Lawton a copy of this Preliminary Injunction not to sell or divide the

marital assets. Judge Sullivan then according to Judge Glynn's Decision in Boston Municipal Court enforced the Complaint in Equity for Fraud and Deceit. One week later Judge Lawton knowing that a Preliminary Injunction was imposed on the marital home and its assets conspired with attorney Flynn, Richard Hall and the Conways to sell the Marital Home and its Assets when this property had already been sold illegially on October 26, 1987. This made Judge Lawton part of the fraud committed on the court and should have been forced to testify when under subpoena as to why he broke a Court Order and conspired to commit a felony against Camoscio and Frances Hall. Judge Mathers knew of this fraud and this is why I believe he made those statements at the onset of the trial against Camoscio, "I've heard about you. I don't like you. I don't trust you.

You are a liar". Judge Mathers I believe was covering Judge Lawton's ass and he then became part of this crime against the Petitioner and especially against Camoscio. Justice Mathers knew that Lawton had committed a crime. See Appendix I for Judge George Sullivans Court Orders, and see Appendix J Judge Lawton's November 20, 1987 Court Order, Appendix K of the selling of Marital Home by attorney Flynn and Richard Hall to the Conways with the Preliminary Injunction filed both in the Probate Court handed to Judge Lawton in person and also filed with the Registry of Deeds, Appendix L, Boston Municipal Court Decision by Judge Theodore Glynn, and Appendix G, Bill of Sale, Frances M. Hall selling her half of Marital Home according to Judge Murphy's Probate Court Order to Frank J. Camoscio.

Judge Mathers stated during the trial that the case against the Petitioner Hall was terribly remote. Meaning there was no case against Frances Hall. The Petitioner quotes volume III page 30 of the transcript of the trial:

"Mrs. Hall seems to me to be terribly remote to these proceedings". (Volume III page 30 of Transcript.) Judge Mathers also stopped Camoscio from filing copies of these court orders proving that fraud was committed by the sale of the property to the Conways by Judge Lawton, attorney Flynn and Richard Hall.

The jury asked only one question of the judge during their deliberations which Judge Mathers misinformed the jury allowing them to believe that the Petitioner Frances M. Hall was part of the original case Frank J. Camoscio v. John E. Conway, when in reality the

Judge knew he had on file in the court records a copy of the original complaint proving that Frances Hall was not a party to Camoscio's case against Conway. This document was part of the court records which was deliberately depleted by Judge Mathers for the jury to inspect. Judge Mathers knew if the jury saw this document they would drop all charges against the Petitioner and find against the Conway's, and prove that Judge Lawton committed a crime.

The Petitioner then filed an Appeal outlining all of these wrong doings but the Court chose not to act because if the court found in the Petitioner's favor then action would be taken against Judge Lawton, Judge Prince and Judge Mathers.

The Petitioner then filed for Further Appellate Review which was denied.

The Petitioner then received a copy of Camoscio's Motion To Set Aside Judgment first in Superior Court then in the Appeals Court. Due to this motion since it affects the last decision and judgment the Petitioner could not file a Writ of Certiorari until it was acted upon.

REASONS FOR GRANTING WRIT

I. The court erred by not granting the Petitioner Hall absolute immunity.

The Petitioner Hall should have been granted absolute immunity because the only statements that the Respondents are complaining about are those contained in affidavits in Camoscio v. Conway. Hall was not a party to these proceedings nor benefitted financially from any outcome of the case. Hall was only a witness in these proceedings.

Under common law principle, Hall is entitled to absolute immunity. The The Petitioner cites the following cases: Mezullo v. Maletz, 331 Mass. 233, 118 N.E. 2d 356, Aborn v. Lipson (1970) 256 N.E. 2d 442, 357 Mass. 71, "Words spoken by a witness in the course of judicial proceedings are ab-

solutely privileged, if pertinent to the proceedings, even if uttered maliciously or in bad faith, and words 'pertinent to proceedings' are not to be construed narrowly." and Smith v. Suburban Restaurants, Inc. (1978) 373 N.E. 2d 215, 374 Mass. 528, "Absolute privilege of an attorney to publish false and defamatory matter in communications preliminary to a proposed judicial proceeding applies only where proceeding is contemplated in good faith and is under serious consideration."

II. The court erred by not granting summary judgment.

Frances Hall filed for summary judgment arguing that the Respondents failed to show one statement which Frances Hall made that was false. Even the depositions by both Respondents

prove that neither could quote under oath any alleged statement because it did not exist. In their amended complaint, the Respondents claimed that it was the Petitioner and co-defendant who circulated these alleged statements that interfered with the sale of the property to the Mendoncas, but, according to affidavits and testimony, it was the Conways' own employee Douglas Purdy who had circulated these statements. See Transcript volume I, page 44.

Frances Hall also supplied an affidavit to the court declaring that all the statements she made to the court were true and accurate in Camoscio v. Conway. The Respondents offered no proofs to contradict Frances Hall's affidavit or motion for summary judgment. The Petitioner cites Massachusetts General Laws chapter 231 § 91 which allows the court to find in the Petitioner's

favor because truth is Petitioner Hall's answer to the plaintiff's complaint. The court had to grant summary judgment in Hall's favor because the Respondents could not show one false statement made by Hall and Hall stated that every statement in question was true. Under Massachusetts General Laws chapter 231 § 91, the Respondents had a duty to tell Petitioner Hall what statements she made that were false fourteen days prior to the trial. The Respondents did not because there were never any false statements made by Petitioner Hall. A motion was filed by Camoscio at the onset of the trial demanding the court instruct the Respondents to inform the Petitioner and co-defendant what statements the Respondents were claiming to be false as required by Massachusetts General Laws chapter 231 § 91. Judge Mathers denied the motion violating the law.

III. Petitioner Hall was denied due process.

Petitioner Hall was in no physical condition to testify and participate in her own defense at the trial. Due to a previous automobile accident which resulted in multiple orthopaedic injuries caused Hall to be confined to bed under heavy medications, Class II and Class III substances which mentally impaired the Petitioner.

Through attorney Ferullo Petitioner Hall asked the court for a sixty day extension of time because she wanted to testify and participate in her own defense. Judge Mathers denied Hall's request. Attached to her motion was a letter from Dr. Drew which stated that she could only be out of bed for one to two hours. Since Hall lived in Somerville, one to two hours would be used

up in just transporting her to and from the court. Judge Mathers refused to allow the Petitioner any recess time to transport Hall to the court to testify on her own behalf. See Transcript volume III, page 44 and volume II pages 170-172. This action by Judge Mathers denied Petitioner Hall due process because she was denied the right to testify on her own behalf when Judge Mathers refused her attorney a recess in order to transport Frances Hall and minimize her time out of bed to prevent any further complications from her previous injuries.

Secondly, due process was violated when Judge Mathers refused to enforce subpoenas concerning Patricia Conway and the Mendoncas. Petitioner Hall had a right to question Patricia Conway since she had signed a verified complaint. Hall also needed the

Mendoncas' testimony to prove that she never circulated any statement which interfered with the sale of the property.

Under the Fourteenth Amendment of the United States Constitution, Hall is guaranteed the right to be heard in a meaningful manner which means that she is entitled to be able to testify, face her accusers, and present favorable arguments and evidence. Judge Mathers made it impossible for her to testify as indicated by the Transcript. Judge Mathers had a duty to postpone the trial until Frances Hall was well enough to testify on her own behalf free from medication which could possibly cloud her mental judgment and memory.

Petitioner cites the following cases: Jeffries v. Georgia Residential Finance Authority, 503 F. Supp. 610, adhered to 90 F.R.D. 62, affirmed 678 F. 2d 919, certiorari denied 103 S. Ct.

302, "In almost every setting where important decisions turn on questions of fact, due process requires opportunity to confront and cross-examine adverse witnesses. U.S.C.A. Const. Amend 14." and Craig v. Carson, 449 F. Supp. 385, "Fundamental indispensable protections of procedural due process are hearing before impartial decision maker after adequate notice of reason for deprivation with opportunity for individual to present his case. U.S.C.A. Const. Amend. 14."

Due to Judge Mathers denying Hall to be heard in a meaningful manner she was unable to make an affirmative defense which the jury could have found in her favor. Judge Mathers himself stated: "Mrs. Hall seems to me to be terribly romote to these proceedings." (volume III page 30 of Transcript) Also, note that the jury was instructed

on weighing privilege by the Petitioner proving that the statements were true and accurate. Since the court refused to make any arrangements for Hall to be heard, this act violated due process. See volume III, page 111 of Transcript. The jury even questioned Hall's participation in Camoscio v. Conway and asked the court if they could see the complaint. Judge Mathers could not comply because it was not introduced at the trial. See volume III, pages 114 and 115 of Transcript.

The counsel who represented Hall wanted to withdraw from the case when he learned that a dear friend Judge Lawton was going to be called as a witness. However, Judge Mathers refused to allow Ferullo to withdraw from the case and he continued to represent Hall, Ferullo failed to question witnesses presented by the Respondents raising the issue of

his effectiveness as an attorney. Eight days later after the trial was over, he notified Hall by constable that he had lost the case. Hall then filed a motion on her own behalf for a new trial because she felt she was denied justice. This motion stated the irregularities of Ferullo, including his trying to convince her to make a deal with the Respondents and failing to protect her right of being able to appear as a witness at her trial.

With all these violations of due process, Hall is entitled to a new trial.

IV. The court cannot enforce judgment and judgment must be set aside due to fraud under Rule 9(b) and (e) of the Massachusetts Rules of Civil Procedure.

Both fraud 9(b) and intentionally

biased judgement 9(e) exists in this case.

The Petitioner therefore denies the authority of this court to assess damages or to enforce its flawed order for the Respondents.

The Petitioner demands review and re-trial before an impartial court to remedy the effect which the fraudulent acts inflicted by Respondents and to counter-act judicial malice.

The Respondents and his representatives lied and continue to lie to perpetrate and protect the fraud.

SPECIFICATIONS

In a divorce action, Probate Court ordered Frances Hall and Richard Hall to sell their residential real estate.

The Halls -- with Mr. Hall's at-

torney Flynn -- and Dr. Frank J. Camoscio executed a purchase and sale agreement to sell both halves of the real property to Camoscio; taking a deposit from Dr. Camoscio and, subsequently, Mrs. Hall accepted full payment for her half of the property and executed a bill of sale to Dr. Camoscio.

Within the same week, Atty. Flynn signed another purchase and sale agreement for the same property to the Dwyers, knowing that he was committing fraud. This purchase and sale agreement is part of the Probate Court records.

With the help of Mrs. Hall's attorney -- Carolyn St. Pierre -- Richard Hall altered his copy of the purchase and sale agreement. Atty. St. Pierre moved in with Mr. Hall and later married him while still claiming to represent Mrs. Hall.

Eventually, Richard Hall used the altered purchase and sale agreement to sell the entire property through the Conway agency.

Meanwhile, Boston Municipal Court decision affirmed that the purchase and sale agreement to Camoscio had been tampered with by Mr. Hall. Judge Byron ordered that Hall be brought to trial; to date the court has conveniently overlooked this order.

During the Probate proceedings, it was found that Hall used an unlicensed firearm to threaten Mrs. Hall. No action under the mandatory gun law was taken against Hall; in fact the gun was returned to him by the Pembroke police.

Then Hall and St. Pierre, with the protective representation of State Representative Flynn, conspired to sell the property with agent Conway. The sale

took place on October 27, 1987.

In the meantime, action was taken by the original buyer to safeguard the property. There was a restraining order issued by Judge George Sullivan in Plymouth Superior Court preventing the sale. Judge Sullivan sent Camoscio and Flynn to deliver the restraining order to the Registry of Deeds and to Probate Court where Judge Lawton accepted it in hand. Hence, on November 3, 1987, Flynn swore before Judge George Sullivan that the property had not been sold. He lied, knowing the sale was illegal.

On November 13, again Camoscio, Flynn and Hall appeared before Judge Sullivan. Flynn and Hall Swore that the property had not been sold and that the status was the same. Flynn and Hall both well knew that the property had been sold on October 27 and that the deed was turned over to Conway as owner,

not merely as agent.

Then Conway brought Camoscio into court saying that Camoscio prevented the sale to Conway's client the Mendoncas. Conway claimed they were prevented from getting a mortgage because of Camoscio's claim. However, the Mendoncas were seeking funds from a Mortgage Company owned by Conway, and since Conway knew of the fraud, his claim has no merit. The damage that arose was solely caused by the Respondents and as a rule of law they had a legal duty to mitigate such damage, therefore their claim is invalid.

When Conway's claim went to court, further fraud was committed by Justice Mathers who was obligated to protect Judge Lawton and Atty. Flynn. There is no question that Judge Lawton lied to protect the fraud. There is no question that Flynn lied to further the fraud.

Justice Mathers refused to even consider Camoscio's evidence; and he made prejudical statements about Camoscio. Mathers erred -- and intentionally abused his powers -- by refusing to allow evidence of a valid bill of sale to Camoscio, by refusing to allow a court decision that proved Hall and St. Pierre had altered the original purchase and sale agreement, even refused to allow Camoscio to mention any of the parties against him, refused to enforce subpoenas, and, when challenged for his admitted bias, he refused to step down. He held Camoscio in contempt; yet has never addressed the issue, and had the action stricken from the record. Mathers threatened Camoscio and refused to allow him to ask questions. Mathers knowingly allowed Atty. Sullivan to lie about Mrs. Hall, saying she was party to the suit

against Conway when he knew full well she was not. The case against Conway was brought only by Camoscio and was part of the record in this case.

Mathers charged the jury improperly. He even lied to the jury because he knew that the deposition from Mrs. Conway (who was not allowed to testify) proved Camoscio's case.

By not enforcing the subpoenas after agreeing that he would, Mathers obstructed justice by denying Camoscio's right to present testimony or to directly face the people who brought the charges against Camoscio.

To further insult Camoscio, Mathers ordered that Camoscio pay over 5 times the cost for case transcripts -- Atty. Sullivan paid only $379 and Camoscio was charged an illegal $2,000.00. This proves the prejudice of the court against the Petitioner who was a

co-defendant with Camoscio.

During the trial, Mrs. Hall was bedridden for bone graft surgery and ambulance service was scheduled to bring her to court. However, Mathers knowingly terminated the hearing the day before she was scheduled to appear.

Mathers demonstrated during the trial that he knew Flynn and Conway and Sullivan were lying, yet he allowed their statements to become record. He denied Camoscio the right to mention even the most basic facts: that there was a court order preventing the sale, that Flynn lied to Judge Sullivan about the sale, that Lawton willingly conspired to overlook the injunction against the sale. The judge denied Camoscio the right to place these court orders on record or question the Respondents witnesses concerning these court orders. He stopped Camoscio from

asking questions concerning them.

In preparing for the trial Judge Prince denied Camoscio's right of discovery, and allowed only one hour with the Respondents for depositions. Judge Prince denied the Petitioner any discovery including depositions, and interrogatories. He clearly denied the Petitioners right of due process and equal treatment under the law.

Mrs. Conway's deposition, for example, showed that although she charged slander in her suit, her deposed testimony proved she knew nothing about the claim and knew nothing about any of the charges she made.

Because Judge Mathers later even refused Camoscio's right to question Mrs. Conway about her deposition, he knowingly obstructed justice and allowed the fraud to be concealed from the jury.

Judge Lawton, in an attempt to cover his wrong doing, claimed there was a motion to claim coercion and threats against the Petitioner in the original sale. Lawton later admitted there was no motion yet he created an order to appoint a guardian for Mrs. Hall. Mrs. Hall demonstrated her ability to act for herself, proved there was no such motion and Lawton sidestepped his play. However, he illegally transferred funds to pay his personally appointed "guardian".

INVOCATION

Now Camoscio's funds have been mis-applied and fraudulently converted by Judge Lawton, and transferred by Judge Lawton prior to appeals adjudication in the face of gross judicial misconduct.

I Frances M. Hall invoke Rule 9;

specifically 9(b) and 9(e) and hereby state that I unoquivocally refuse to pay the false claims arrived at in and through fraud by the claimants and their manservants in fraud on the bench, even if it means incarceration to gain an impartial trial.

I refuse to allow funds which I received in good faith for the property in question to be converted illegally and distributed to claims gained through fraud and deceit.

I refuse to allow judgments by Lawton and Mathers which were obviously and intentionally flawed to my detriment go unchallenged.

In further support of my right of claim, specification, and invocation under Rule 9 (9(b) and 9(e)) I include in the record to be adjudicated at any future trial resulting from my declared refusals, the following motivation and

merits to be impartially heard.

MOTIVATION AND MERITS

It is clear that the motivation for the judicial bias and for the wrong doing in this case centers on Camoscio's branded status in the courts.

There is no doubt that Camoscio is an easy target for anyone who would take advantage of him -- St. Pierre, Hall, Conway, Flynn et al have demonstrated repeatedly that they willingly take advantage of Camoscio's subjugation to "the Irwin Order".

Judges Lawton and Mathers likewise abuse Camoscio and willingly allow the judicial beaurocracy to deny Camoscio due process and fair treatment.

Yet their motivation is based in communication outside the merits of this case and without judicial knowledge of

the merits of earlier cases which led to "The Irwin Order".

Because "The Irwin Order" has been specifically cited in this case, and because the bias has been openly linked to the brand placed on Camoscio, Rule 9 thereby requires a comprehensive review of the Motivation and Merits that operate to deny Camoscio a fair and impartial trial in this case.

In 1965, John E. Powers, then president of the Massachusetts Senate -- before Frank J. Camoscio, Attorney General Edward Brooke and First Assistant Attorney General Willy Davis -- stated to Camoscio that he (Powers) would "Get even with you, you bastard".

Brooke told Powers that he could never again run for Statewide office and, to escape prosecution before a grand jury for issuing a fraudulent license to Anne Hunnicut to practice podiatric med-

icine, promised to abide by the agreement.

Since 1965, Powers has made good his threat against Camoscio.

His insidious manipulation of the judicial beaurocracy in his safe role as Chief clerk has served to punish Camoscio for revealing Power's original crime. As the abuse of Camoscio snowballed, Camoscio became branded as a "kook" and an easy target. The result is that Camoscio's right to equal access to the courts has been abridged.

When Dr. Camoscio again revealed -- in the Fleming case -- illegal licenses being issued, Camoscio became the target of prosecution. (See Judges decision in Camoscio's favor, case #99221 Suffolk Superior Court) Appendix M.

A grand jury was called, and even though then Assistant Attorney General

Irwin fought against it, 35 indictments were handed down.

However, Attorney General Bellotti squelched the indictments and, to date, they have not been served.

Irwin's reward, of course, was to become Judge Irwin.

Meanwhile, Bellotti and his legal staff fought for 8 years to restore the illegal license to Fleming.

And, with equal vigor, they fought to ruin Camoscio. They, with the complicity of the Board of Registration in Podiatry, brought charges in interlocutory proceedings to deprive Camoscio of his license to practice and his livelihood.

Pursuant to these cases -- and as a matter of record -- Camoscio was physically attacked and his attorney was warned and threatened by Attorney General Bellotti to abandon Camoscio.

(See motion still awaiting action by Justice Joseph Nolan in the Supreme Judicial Court.)

Because those actions were resolved against Camoscio in interlocutory proceedings which are controlled by the Attorney General and because the Attorney General also represents the Board of Registration, Camoscio's case -- in all its beaurocratic complexity -- has never been heard on its merits in a court of law.

When Camoscio has tried to have individual incidents and his combined case heard, he has been blocked by the beaurocracy. Ultimately, Irwin favored his benefactors by Issuing "The Irwin Order" used in this case to benefit Conway.

Therefore, No action can go forward in the assessment of damages until

Rule 9 has been fully satisfied as to The judgemental bias, the fraud, and the motivation behind this case.

CONCLUSION

The Petitioner Hall is entitled to absolute immunity because the complained about statements were made in Camoscio v. Conway. The doctrine of claims preclusion prevents the Respondents from seeking any other damage they are entitled to except through the case Camoscio v. Conway. The court should have granted summary judgment because Hall stated that all statements made in the affidavits were true. The Respondents could not produce one statement made by Hall that was false. Under Massachusetts General Laws chapter 231 § 91 the Respondents had a duty to inform the Petitioner about any alleged false statements that were the central issue in the case.

Hall's right of due process was violated when the court refused to

postpone the trial so that she could participate in her own defense and give testimony on her own behalf as well as to produce favorable witnesses, including Patricia Conway and the Mendoncas. There was no need for an immediate trial because this act violated Hall's right of due process which means the right to be heard at a meaningful time and in a meaningful manner.

Under Rule 9 of the Massachusetts Rules of Civil Procedure the Petitioner produced proofs that fraud was committed upon the court by the Respondents. Under this Rule judgment must be set aside. There is no question that the property was sold to the Conway's violating an injunction and the assets distributed by Judge Lawton. This violated a court order. There is no question that Richard Hall, attorney Flynn and attorney St. Pierre altered a purchase

and sales agreement as proven by Judge Glynn's Decision in Boston Municipal Court. Why should the Petitioner pay when the Respondents and their friends have committed the crime and fraud upon the court.

I hereby certify that all of the above statements are true and are made under the pains and penalties of perjury.

Respectfully submitted,

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DATED: November 25, 1992

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NOTARY PUBLIC
My Commission Expires April 29, 1998

Domenic Bruno
11/25/92